

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/758,241 Confirmation No. : 5324
First Named Inventor : Bernd SUNDERMANN
Filed : January 16, 2004
TC/A.U. : 1616
Examiner : KRISTIE LATRICE BROOKS

Docket No. : 029310.53093US
Customer No. : 23911

Title : Substituted 4-Aminocyclohexanol Compounds

REPLY TO OFFICE ACTION

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply to the Office Action mailed April 8, 2008 in the above-identified patent application.

This Reply is accompanied by a Petition under 37 C.F.R. §1.136(a) for a one-month extension of time, a Terminal Disclaimer under 37 C.F.R. 1.321, and a credit card authorization in payment of the required extension of time and statutory disclaimer fees.

Applicants hereby affirm their previous election of compound claims 1-38 and species election of 4-benzyl-4-dimethylamino-1-phenyl-cyclohexanol hydrochloride.

The obviousness-type double patenting rejection of claims 1-38 is believed overcome by the accompanying Terminal Disclaimer.

The application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

In view of the allowability of generic compound claim 1, re-joinder of withdrawn dependent compound claims 2, 6, 7, 14-18, 30, 34 and 35 is respectfully requested.


Further, in view of the allowability of product claims 1-38, re-joinder of withdrawn process claims 39-53 is requested pursuant to the provisions of M.P.E.P. §821.04.

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the examination of the application.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 029310.53093US).

Respectfully submitted,

August 2, 2008



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